

inserted to clarify the provisions of section 7-503 (present Article 66c, section 659). Violation of this subsection has been made subject to the larger penalty provisions in subsection (a) of this section. It is believed that the legislature intended this greater penalty in contrast to that provided in subsection (b), for any person who is convicted of violating the provisions of proposed section 7-503 (presently Article 66C, section 659).

(E) IMPOSITION OF FINES.—ANY FINE IMPOSED UNDER THIS SUBTITLE BY THE DISTRICT COURT SHALL BE PAID TO THE STATE. A FINE IMPOSED BY THE CIRCUIT COURT FOR ANY COUNTY OR THE CRIMINAL COURT OF BALTIMORE SHALL BE PAID TO THE BITUMINOUS COAL OPEN-PIT MINING RECLAMATION FUND. A FINE IMPOSED UNDER THIS SECTION AND PAID INTO THE FUND SHALL BE USED FOR THE SOLE PURPOSE OF FORESTING OR RECLAIMING LAND AFFECTED BY OPEN-PIT MINING OF BITUMINOUS COAL.

REVISOR'S NOTE: This subsection presently appears as the last sentence of Article 66C, section 661(k) of the Code. New language is added to indicate that a fine imposed by the District Court, goes to the State (see Article 26, section 155 and Op. Attorney General, September 29, 1971, Daily Record, October 12, 1971). A fine imposed by another court, on trial de novo or following a prayer for jury trial, goes to the fund.

The only other changes made are in style.

(F) PROSPECTORS EXCEPTED FROM PENALTY.—THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO ANY PERSON ENGAGED IN PROSPECTING FOR COAL IF NO COAL IS MARKETED.

(G) FAILURE TO BACKFILL PROSPECTED AREA.—ANY PERSON OR OPERATOR WHO FAILS TO BACKFILL ANY PROSPECTED AREA WITHIN A REASONABLE TIME IN ACCORDANCE WITH THE BUREAU'S RULES AND REGULATIONS IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SUBJECT TO A FINE OF NOT LESS THAN \$200 OR MORE THAN \$500.

REVISOR'S NOTE: These subsections presently appear as Article 66C, section 672 of the